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**Combined *Petition to Revive and Petition to Accept a Declaration*  
*Signed by One of Three Inventors.***

This paper responds to Paper Number 5, a decision on Petition and Notice of Abandonment, Mailed July 30, 2002. A response is due two months therefrom on Sept. 30, 2002.

**§ 1.137 Revival of abandoned application**

Applicant Petitions to revive the above-identified abandoned Application.

“§ 1.137 (b) Unintentional. If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application,... A grantable petition pursuant to this paragraph must be accompanied by:

§ 1.137 (b) (1) The reply required to the outstanding Office action or notice, unless previously filed; “

A copy of the Abstract is enclosed.

I note the enclosed *Transmittal with Certificate of Express Mailing* showing that the Abstract was enclosed in the Original Application. Our file, which should contain a copy of the application as we mailed it, contained a copy of the abstract. The Commissioner may treat this as a re-transmittal under 1.10. But it seems more appropriate to treat the re-transmittal as part of “The reply required to the outstanding Office action or notice [to file missing parts],” under § 1.137 (b) (1).

This document includes a Petition under 1.47 enclosing an Inventors' Declaration signed by one Co-inventor.

“§ 1.137 (b) (2) The petition fee as set forth in § 1.17(m);”

The Commissioner is authorized to charge the petition fees as set forth in §1.17(m) \$1,280.00 and (h) \$130.00 - \$130 already tendered (as per Examiner Hearn) = total \$1280 to deposit account 03-2468.

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Christopher B. Garvey

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§ 1.137 (b) (3) “A statement that the entire delay in filing the required reply from the due date f r the reply until the filing f a grantable petition

pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional;"

I hereby declare that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

§ 1.137 (b) (4) "Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section."

No terminal disclaimer is required in this Utility Application filed after 1995.

"(e) Request for reconsideration. Any request for reconsideration or review of a decision refusing to revive an abandoned application, a terminated reexamination proceeding, or lapsed patent upon petition filed pursuant to this section, to be considered timely, must be filed within two months of the decision refusing to revive or within such time as set in the decision. Unless a decision indicates otherwise, this time period may be extended under:

(1) The provisions of § 1.136 for an abandoned application or lapsed patent;

### **Petition under 1.47**

The Applicant hereby petitions under 1.47 to accept a filing where the inventor refuses to sign.

#### **§ 1.47 FILING WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED.**

**"(A) IF A JOINT INVENTOR REFUSES TO JOIN IN AN APPLICATION  
FOR PATENT OR CANNOT BE FOUND OR REACHED AFTER DILIGENT  
EFFORT,**

See the enclosed Declarations of Garvey and Vignola

"the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application"

See the Enclosed Inventors Declaration signed by Seth Yablans.

"must be accompanied by a petition including proof of the pertinent facts,"

See this document and the Declarations of Garvey and Vignola.

"the fee set forth in § 1.17(h),"

See the Above deposit Account Authorization.

"and the last known address of the non-signing inventor."

The unsigned inventors' last known addresses are:

Chandradat (Chico) Basdeo  
25-52 14th Street  
Astoria, NY 11102-3639  
1 718 726 5240

Vincente Rosa  
103-21 96th Street  
Ozone Park, NY 11417  
1 718 805 7006

I hereby declare that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

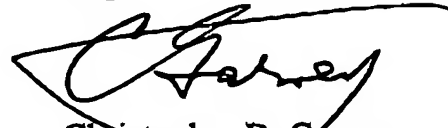
The Commissioner is authorized to credit any overpayment or to charge any deficiency to deposit account 03-2468.

**DECLARATION under 37 CFR 1.68 (patents):**

All statements herein made of my own knowledge are true and all statements made on information and belief are believed to be true. I am aware that false statements and the like are punishable by fine or

imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Christopher B. Garvey  
Registration 31,015

**Customer Number 23974**

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